

In early 2015, the Department of Education (Department) held a series of Negotiated Rulemaking sessions to discuss with members of the affected communities and the public the need for changes to the current regulations on a variety of topics. These negotiations led to the following proposed changes to 34 CFR 668.16, 668.204, 668.208, and 668.214. The Department is requesting a revision of the current information collection 1845-0022. The proposed changes would revise the current general provisions regulations as follows.

The proposed regulations would permit an institution to bring a timely participation rate index challenge or appeal in any year the institution's draft or official cohort default rate (CDR) is less than or equal to 40 percent but greater than or equal to 30 percent for any of the three most recently calculated fiscal years (for challenges, counting the draft rate as the most recent rate). This challenge or appeal opportunity is available provided that the institution has not brought a participation rate challenge or appeal on that rate before, and that the institution has not previously lost eligibility or been placed on provisional certification based on that rate. In addition, if the institution brought a successful participation rate challenge from a draft CDR that was less than or equal to the corresponding official CDR, that would preclude provisional certification and loss of eligibility from being imposed based on the official CDR, without the institution needing to bring a participation rate appeal in later years.

We estimate that the change in the need to appeal a final CDR on the basis of participation rate index when a challenge to a comparable rate on the same basis was successful will prevent 50 appeals per year, of which 15 would be expected from public institutions, of which 10 would be expected from not-for-profit institutions, and of which 25 would be expected from proprietary institutions. We have previously estimated that an appeal takes each institution 1.5 hours per response.

Under 668.16, 668.204, 668.208, and 668.214, for proprietary institutions, we estimate that this regulation will decrease burden by 37 hours per year (25 proprietary institutions multiplied by 1 appeal multiplied by 1.5 hours per appeal).

Responses	-25
Respondents	-25
Burden Hours	-37